

MICHIGAN STATE WATERWAYS COMMISSION
REGULAR MEETING

Minutes of the meeting of
August 8, 2003
City of Traverse City
Governmental Center
400 Boardman Avenue
Traverse City, Michigan

A regular meeting of the Michigan State Waterways Commission was called to order by Chairman Winn at 9:00 a.m. on Friday, August 8, 2003, city of Traverse City Governmental Center, Traverse City, Michigan. The following Commissioners were present:

John Winn, Chairman
Frank Opolka, Vice-Chairman
David Giffin
Peter Beauregard
David Johnson
Bob Spicer
John VanderMolen

George Burgoyne, Resource Management Deputy and Lansing staff were present.

Chairman Winn recognized and welcomed former Waterways Commissioner Frank McBride.

Chairman Winn thanked the City of Traverse City for their hospitality and for the Dedication celebration on Thursday, August 7, 2003 at the Duncan L. Clinch Marina.

City of Traverse City Manager Richard Lewis welcomed the Waterways Commission to Traverse City; he expressed thanks on behalf of the City to the Commission for making the marina renovations possible and for their continued support.

Chairman Winn recognized Senator Jason Allen.

Upon motion by Commissioner Opolka, seconded by Commissioner Giffin, the minutes of the June 13, 2003 meeting in St. Ignace were approved.

Project Status Report – Bill Boik, Department of Natural Resources (DNR), provided a description of current harbor projects:

1. At the Cedar River harbor, the basin has been excavated and subsequently flooded. The DNR has met with the Cedarville Township Board regarding a partnership with the state to operate the harbor in 2004. If an agreement cannot be reached by the

end of August 2003 with the township, the DNR will entertain bids to concession the operations of the facility.

Ralph Berner, from the Abonmarche Group consultants, stated that the construction of the harbor at Cedar River is on schedule and under budget; however, there may be additional costs because of an inflated waste water treatment facility.

Commissioner Opolka asked how they would deal with the depth of water at the end of the marina; Mr. Boik replied that the United States Army Corp of Engineers is responsible for depth issues and the DNR plans to meet with them to discuss.

Mr. Boik stated that Mr. Jozaitis, the former owner of the property at Cedar River, is satisfied with the project.

2. Mr. Boik commented on the upgraded facility at the Duncan L. Clinch Marina in Traverse City. He mentioned that there is a new harbormaster and they are now able to comply with the Waterways Commission recommendation to join the Central Reservation System.

3. The breakwater project at Mackinaw City harbor is pending due to the budget freeze imposed by the State of Michigan. It was noted that the breakwater construction will be the initial phase so as to protect the basin from further degradation.

Commissioners Beuregard and Giffin asked Mr. Boik to provide a PDF format of the Mackinac City harbor plan.

4. Mr. Boik reported that they are working out details of spoils disposal for dredging work at Port Austin harbor. The project is moving forward and should be finished this fall.

5. An engineering study of the proposed dredging for Snailshell Harbor at Fayette State Park has been completed. This park is unique in that a historical review must be part of the study; limitations of 2 feet on the dredge depth were placed on the proposal and any dredging would require an archeologist to be onsite for observation. A decision was reached to place this project on hold as the need for dredging at this facility was not a high priority for the state.

6. On July 3, 2003 a finger pier at the Beaver Island harbor collapsed throwing 8 people into the water. No serious injuries were reported. St. James Township was advised to get an engineering assessment for the remainder of the facility for structural integrity. The state is in the process of renovating the facility which is currently in the engineering stage.

Boating Access Sites (BAS)

1. Ludington State Park – The boat launch parking lot is being renovated and will include new paving and restriping to current standards. Americans with Disabilities Act (ADA) compliance will be met for parking and walkways.
2. Michigan Center BAS, Jackson County – Parking lot reconfiguration and paving will help with traffic flow issues.
3. Pinehill Lake BAS, Jackson County – Parking lot definition and drainage issues will be addressed in this paving project.
4. Whitmore Lake BAS, Livingston County – Scheduled for parking and entrance road pavements.
5. Lake George BAS, Branch County – The boat launch will be paved to clear up local parking issues and address ADA concerns.
6. Coldwater Lake BAS, Branch County – The project is nearly 90 percent complete. The paving project has been a long term project that included moving a public road, utility easement issues and local issues such as horse and carriage staging for Amish users.
7. Duck Lake BAS, Calhoun County – Paving project will help with drainage issues and crumbling pavement concerns.
8. Lake Hudson State Park, Lenawee County – DNR crews removed an earthen dam between Haley Lake and Lake Hudson that had been in need of serious repair. After a considerable chain of approvals were met, the dam was removed and the remnants of the structure were cleaned up. This resulted in providing boaters additional opportunities to access the lake. Also, this is a premier muskellunge lake that annually provides DNR fisheries biologists with eggs for the statewide muskellunge program.

Standing Committee Report

Finance Committee Meeting – The Finance Committee met briefly on Thursday, August 7, 2003 at the Traverse City Marina. Members of the Committee are Commissioners Winn, Giffin and Johnson. DNR staff also attended. The Committee reviewed an update on budget and finance and that information is included in all the Commissioners packets for their review.

Facilities Committee Meeting – The Committee met on Thursday, August 7, 2003 at the Traverse City Marina. Members of the Committee are Commissioners Beauregard, Giffin and Winn. DNR staff also attended. Discussion ensued regarding the Presque Isle restaurant facility situation and the Committee reviewed a tentative plan presented by the DNR. Mr. Boik will seek a permanent solution beginning with a meeting within the next

30 days, after the August 7, 2003 Waterways Commission meeting, to include representatives from the Department of Natural Resources, the Waterways Facilities Committee, Presque Isle local officials and the restaurant. A review of the plan will take place within six months of the initial meeting. The restaurant owners are asking for an extension of their current contract to 2010 in order to plan for capitol improvements. The DNR has already completed some work to the building to bring it up to code and has assessed the building for future improvements.

Commissioner Beauregard inquired about the contracting of assessments. Mr. Boik replied that assessments are contracted out to local assessors.

Upon motion by Commissioner Giffin, seconded by Commissioner Beauregard, it was unanimously

RESOLVED, that the Waterways Commission does hereby approve the adoption of the proposal by the Department of Natural Resources to resolve the Presque Isle restaurant request for a lease extension and related issues.

Bois Blanc Township returned to the Waterways Commission seeking a commercial variance request. Per the request of the Commission at the June 13, 2003 meeting, Mr. Boik presented a fee schedule comparison between Bois Blanc and Beaver Island, noting some similarities between the two locations, while pointing out the fact that the two are not easily comparable. At the recommendation of staff and upon motion by Commissioner Beauregard, seconded by Commissioner Giffin, it was unanimously

RESOLVED, that the Waterways Commission does hereby approve Bois Blanc Township's commercial variance request that they be allowed to negotiate the terms of the commercial usage and ferry fees in exchange for future improvements and repairs at the commercially used dock, which will be fully funded through Bois Blanc Township's 4 mil tax.

Chairman Winn recognized Representative Howard Walker.

Mr. Boik presented a report on the Michigan Recreation Boaters Information System (MRBIS). This is a new website that went live at the beginning of June 2003 as part of the DNR's homepage at www.michigan.gov/dnr. MRBIS has proved to be a very well received site, accounting for over 50 percent of all state website hits during the month of June. Some of the most requested features are aerial photos, lake contour maps, site identification and fish related information.

Mr. Boik presented a report prepared by Thomas Paquin from DNR's Cheboygan Recreation Unit, which detailed the 2003 Yacht races.

The Port Huron to Mackinac Island race was a fast race and the personnel working the state dock were lauded for their professional work. There were only two areas of concerns this year: 1) Two vessels did not depart at 12:00 Noon as specified in the

agreement; 2) Race vessels who had reservations for Wednesday night did not register at the dock shack on Wednesday morning. DNR staff plans to work with Bayview Yacht Club, the race organizer, to make sure these violations do not occur again in 2004.

Commissioner Giffin asked if an additional day in the contract might alleviate these problems. Former Commissioner McBride commented on his observation that the race ran smoothly and that the two boats which stayed beyond their allotted time had just crew members on board who may have been unaware of the rules.

The Chicago to Mackinac Island race has had continued problems with the Race Committee not present on the dock during their assigned times from post race until the harbor is cleared out on Wednesday. In addition, there have been problems with boats staying beyond the time established by the signed contract.

Commissioner Opolka stated that all race entrants must adhere to the rules established in the contract. This applies not only to the owners, but to the crew also.

Upon motion by Commissioner Giffin, seconded by Commissioner Beauregard, it was unanimously

RESOLVED, that the Waterways Commission will send a letter to the Chicago Yacht Club asking that a representative from the Club attend the October 3, 2003 Waterways Commission meeting in South Haven, Michigan.

The City of Rogers City requested the use of 20 additional transient slips to be used for seasonal slips for 5 years. The City plans on using the extra income to retire bonds that were secured to match the grant for the recent harbor improvements.

Mayor Beach Hall, Rogers City, was present to answer any questions.

Commissioner Beauregard inquired as to how will slips would be handed out. Mayor Hall replied that there is a lottery system and that people on the waiting list will get a slip in order of a draw.

Commissioners Winn and Giffin reported they met with officials from Rogers City since the last Waterways Commission meeting in June. They believe this system will operate smoothly because of normal turnover at the marina.

Upon motion by Commissioner Giffin, seconded by Commissioner Spicer, it was unanimously

RESOLVED that the City of Rogers City Seasonal Slip Request for an additional 20 seasonal slips for the next 5 years be approved. The City is to also assess the impact (made on the basis of reports received and documentation provided by field staff) on transient boating and provide an annual report to the Michigan State Waterways

Commission. This approval is based on the condition that the City of Rogers City participate in the Central Reservation System.

The DNR had received several complaints regarding the seasonal slip policy and procedures at the St. Joseph West Basin Municipal Marina in St Joseph. The complaints centered on preferential treatment being given to city residents and non-residents being excluded from renting seasonal slips. Mr. Boik reported that DNR staff met with the St. Joseph Harbor Commission on July 30, 2003 to discuss the violations and resolution. The Harbor Commission initially felt they were not obligated to abide by the Department's regulations as they did not believe they were a typical Grant-In-Aid harbor. However, upon examination of the facts, the Harbor Commission voted to bring the city facilities back into compliance with the agreement stipulations and will act on the recommended remedies as suggested by DNR staff. Those compliance recommendations include: 1) Combining the separate resident and non-resident waiting lists for seasonal slips; 2) Provide missing financial data to annual reports; 3) Provide written requests for rate variances from MSWC rate schedules; 4) Change launch fee schedule to charge residents and non-residents equally; 5) Change website information to reflect the changes in fee structures and selection processes.

Upon motion by Commissioner Opolka, seconded by Commissioner VanderMolen, it was unanimously

RESOLVED, that the Waterways Commission does hereby approve the DNR staff recommendation proposed for the St. Joseph West Basin Municipal Marina. This approval is based on the condition that the St. Joseph Harbor Commission participate in the Central Reservation System.

Commissioner Spicer inquired if this problem with preferential treatment for residents in St. Joseph is an isolated incident or if it is more widespread. Mr. Boik stated the problem is more pervasive than isolated. Commissioner Giffin asked if there is a procedure to remind marinas across the state of the rules. Mr. Boik said the DNR follows up on an individual basis when a transgression occurs.

Commissioner Beauregard inquired about Lexington. Mr. Boik recapped the situation stating the contract for the marina at Lexington had been extended a number of times and the City of Lexington indicated they wanted to take over the facility. They were made aware of the ramifications of their request and decided to table their decision until the end of August, 2003, when they will either choose to enter a grant in aid agreement or extend the lease for 10 years. Mr. Boik said the village must come to terms with the private marina if the City of Lexington takes over the state marina.

Commissioner Winn asked if there was any news regarding the marina at Harbor Springs. Mr. Boik replied that to his knowledge, there was no news.

Central Reservation System – Commissioners Winn and Giffin stated they have met with a number of harbormasters this summer regarding the Central Reservation System.

Mr. Bill Pemble, Central Reservation System (CRS) Program Manager, DNR, discussed the CRS, in particular, the Call Center, the percentage of slips reserved by the call center and the time frame for reservations.

Mr. Pemble, stated that the Call Center would modify their scripting to stress when a harbor's reservable inventory is full, that only 75% of inventory is reservable and the harbor administers 25% for local sales on a first come first serve basis. In addition, the Call Center would modify scripting to encourage customers to use their customer ID to save time during the reservation process. (Customer ID have been assigned to boaters who have previously reserved. Each number is unique and the data base saves customer/demographic information on file.)

Mr. Pemble also discussed having a uniform check-in/check-out time policy. It was noted that some harbors have different check-in and/or check-out times. The Waterways Commission strongly encouraged a consistent time of 1:00 P.M. for both a check-in and check-out time.

Mr. Pemble discussed policy changes which would allow harbormasters to take advance reservations directly while working within the Central Reservation System. This applies to the 75 percent reservable at any time, but not to the 25 percent reserved for float-ins. The Waterways Commission believes this change will help small marinas better control their inventory. Concerns were voiced that the harbormasters would not be receptive to this change due to a potential increase in call volume and that the harbormaster may not provide the same prompt service as provided by the Central Reservation System. In addition, Mr. Pemble thought that this change may create an opportunity for preferential treatment.

Commissioner Winn commented that the Commission would take a step approach to this change in policy, reviewing the results at the end of this boating season.

Since the CRS system does not have an automated edit check to prevent misuse, Commissioner Giffin suggested that a use report be prepared which will help indicate if there have been any irregularities. Mr. Pemble again stressed that the report is a useful tool, but does not guarantee 100 percent compliance.

Based upon recent conversations with harbormasters, Commissioner Giffin believes this change would be well received by them. The goal for these changes is to give more entrepreneurial flexibility to the local harbormaster.

Commissioner Beauregard suggested that the DNR obtain input from all the harbormasters, perhaps at their annual meeting. Mr. Boik stated the DNR has an excellent working relationship with the harbormasters and they attend their annual meeting held in the off-season.

Commissioner Beauregard inquired into the provision which allows for boaters to reserve a certain slip. Mr. Pemble explained that in the first year of operation the system was

“slip specific”, but in the current system, although they can request a certain slip, they are nonetheless assigned a slip upon arrival. Most harbormasters try to accommodate a boater’s request.

Upon motion by Commissioner Giffin, seconded by Commissioner Opolka, it was unanimously

RESOLVED, that the Waterways Commission approve a change for the 2004 boating season in the Same Day Reservation policy for the 75 percent reservable inventory: 1) same-day reservations may only be made through the local harbormaster, and 2) after 6:00 p.m., same-day and next-day reservations may only be made through the local harbormaster. As before, the 25 percent non-reservable inventory may only be committed by the local harbormaster on a first-come, first-served basis each day. BE IT FURTHER RESOLVED, that this policy change shall be reviewed after the 2004 boating season.

Mr. Pemble again cautioned that the system as designed is not set up to handle the 75-25 split as proposed.

A question was raised about the use of the 800 number for the Central Reservation System. Mr. Boik stated the number is operational the United States, United States Territories and Canada.

Rear Admiral John Tanner, Superintendent of the Great Lakes Maritime Academy (GLMA) and President Tim Nelson, Northwestern Michigan College (NMC) extended an invitation to the Commission and DNR staff to tour the Great Lakes Maritime Academy on NMC’s new West Bay campus and the Great Lakes Maritime Academy’s 225-foot training ship “State of Michigan” following the Commission meeting.

President Nelson stated that due to a recent change in state law, the Waterways Commission can now review requests from GLMA and NMC. He stated that because they are building the new maritime academy, they reached a decision to not renew 14 slips due to budget concerns; they are now approaching the Waterways Commission to see if they would like to leverage their current project to acquire a Waterways grant.

Rear Admiral Tanner noted there are only seven federally chartered maritime schools in the country. GLMA was established in 1969 to train men and women to serve as Merchant Marine officers aboard Great Lakes and ocean ships.

Robin Abshire, City of South Haven Director for Leisure Services, extended an invitation to the Waterways Commission to hold the October 3, 2003 meeting in the city of South Haven’s City Hall. She also asked that the Commission tour the Northside Marina to observe the current condition of this Grant-in-Aid facility. Ms. Abshire stated this marina had prior requests for renovation to the Marina denied due to budget restraints, however, the marina is at a crucial point and at a minimum, needs funds to replace the 60 foot slips.

Mr. Boik stated the Department has some limited emergency funding available and that the Northside marina may qualify for those funds. Ms. Abshire estimates the project will run \$1,245,000 to repair the 10-12 60-foot slips. She stated they are looking at replacement with the same type of dock currently in use.

Commissioner Winn noted the Waterways Commission prefers floating docks, but understands that in this situation the river current might be a factor. He stated they would defer to the engineer's recommendation. Ms. Abshire concurs that a floating dock will not work. Commissioner Winn asked Ms. Abshire to provide estimates and to provide information on any safety concerns she may have.

The meeting was adjourned at 10:40 a.m.

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